S.B.CRIMINAL MISC. BAIL APPLICATION NO.2577/2006

Date : 05.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Vijay Purohit for the applicant.
Mr. Vishnu Kachhawha, Public Prosecutor for State.
Mr. Balaram Kumawat for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case the deceased in her statement recorded by the Judicial Magistrate has not stated even a word against the mother-in-law that she was anyway responsible for the incident in which she died and infact she stated before the Magistrate that while she was preparing meal and when she was pouring Kerosene Oil on wood and immediately she caught fire. According to learned counsel in these circumstances, at least a case has been made out where the accused-applicant should be given benefit of anticipatory bail. It has further been submitted that she is an old lady of 60 years of age.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant has opposed the anticipatory

bail and submits that in a case under Sections 498A and 304B IPC wherein Smt. Leela has died, therefore, anticipatory bail may not be granted to the accused applicant.

I have considered the submission made before me and carefully gone through the dying declaration recorded by the Judicial Magistrate.

Keeping in view specific questions and answers available in the dying declaration, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Smt. Shanti wife of Shankar Puri by I.O./S.H.O. in FIR No. 24/2006 P.S. Kalandari, District Sirohi, she shall be released on bail provided she furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i) That she shall make herself available for interrogation by a police officer as and when required;

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That she shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.